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JUN 21 2007

Serial No. 10/657,747
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Claims 1-20 are pending in the application. Applicants amend claims 1, 6-7, 11, 15, and 20 for minor corrections. No new matter has been added.

The Examiner objected to claims 1, 6-7, 11, 15, and 20 for a number of informalities, which Applicants correct by amendment. Accordingly, Applicants respectfully request that the Examiner withdraw the objections.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,615 to Nordenstam et al. in view of U.S. Patent No. 6,173,323 to Moghe. Applicants respectfully traverse the rejection.

The Examiner relied upon the description of estimated network load on a virtual network and measured traffic load data in Nordenstam et al. as alleged suggestion of the claimed measuring and predicting features. The Examiner conceded that Nordenstam et al. do not disclose the claimed feature of adjusting measuring intervals, but cited Moghe—in particular, column 3, lines 16-26 thereof—as a combining reference that allegedly suggests this feature. As is evident from column 2, line 64 to column 3, line 2 of Moghe, however, the technique described therein estimates congestion by comparison with levels of timeout. Thus, for example, if the congestion is less than or equal to 10 seconds, the network is normally loaded and not experiencing congestion; and if the congestion is less than or equal to 20 seconds, the network is experiencing a first level of congestion. In addition, column 3, lines 16-26 of Moghe merely includes description of reducing a polling rate according to an increase of the load.

In other words, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Nordenstam et al. and Moghe, such a combination would have, at most, suggested a system that includes estimated network load on a virtual network and measured

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traffic load data, but one that adjusts a polling rate according to congestion measured by comparison to levels of timeout. Such a combination would still have failed to disclose or suggest,

“[a] resource load measuring method for measuring load information of resources within a network, comprising:
measuring the load information of the resources at measuring intervals and storing the measured load information in a storage section;
predicting the load information of the resources according to a prediction algorithm and storing the predicted load information in the storage section; and
adjusting the measuring intervals based on the measured load information and the *predicted load information* stored in the storage section,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-6 dependent therefrom, is patentable over Nordenstam et al. and Moghe, separately and in combination, for at least the foregoing reasons. Claims 7, 11, and 15 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claims 8-10, 12-14, and 16-20 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

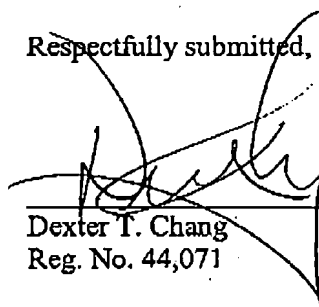
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Respectfully submitted,



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